

STAYED,TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00479-TSC**

DEMOCRACY FORWARD FOUNDATION v. UNITED
STATES DEPARTMENT OF STATE et al
Assigned to: Judge Tanya S. Chutkan
Cause: 05:552 Freedom of Information Act

Date Filed: 02/28/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**DEMOCRACY FORWARD
FOUNDATION**

represented by **Adam Anderson Grogg**
DEMOCRACY FORWARD
FOUNDATION
1333 H Street NW
Washington, DC 20005
(202) 448-9090
Email: agrogg@democracyforward.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Javier M. Guzman
DEMOCRACY FORWARD
FOUNDATION
P.O. Box 34553
Washington, DC 20043
(202) 448-9090
Email: jguzman@democracyforward.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Josephine T. Morse
DEMOCRACY FORWARD
FOUNDATION
1333 H Street NW
Washington, DC 20005
(202) 448-9090
Email: jmorse@democracyforward.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT
OF STATE**

represented by **Doris Denise Coles-Huff**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2557
Fax: (202) 252-2599
Email: doris.coles@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Fred Elmore Haynes
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2550

Email: fred.haynes@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES DEPARTMENT
OF HOMELAND SECURITY**

represented by **Doris Denise Coles-Huff**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Fred Elmore Haynes
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES CITIZENSHIP
AND IMMIGRATION SERVICES**

represented by **Doris Denise Coles-Huff**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Fred Elmore Haynes
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/28/2018	<u>1</u>	COMPLAINT against U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF STATE (Filing fee \$ 400 receipt number 0090-5352744) filed by DEMOCRACY FORWARD FOUNDATION. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Civil Cover Sheet, # <u>7</u> Summons, # <u>8</u> Summons, # <u>9</u> Summons, # <u>10</u> Summons, # <u>11</u> Summons)(Guzman, Javier) (Entered: 02/28/2018)
02/28/2018	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by DEMOCRACY FORWARD FOUNDATION (Guzman, Javier) (Entered: 02/28/2018)
02/28/2018		Case Assigned to Judge Tanya S. Chutkan. (zsb) (Entered: 02/28/2018)
02/28/2018	<u>3</u>	SUMMONS (5) Issued Electronically as to DEMOCRACY FORWARD FOUNDATION, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF STATE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 02/28/2018)
03/20/2018	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/7/2018. (Answer due for ALL FEDERAL DEFENDANTS by 4/6/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 3/7/18., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. All Defendants (Attachments: # <u>1</u> Declaration)(Guzman, Javier) (Entered: 03/20/2018)
04/02/2018	<u>5</u>	NOTICE by DEMOCRACY FORWARD FOUNDATION (Guzman, Javier) (Entered: 04/02/2018)
04/06/2018	<u>6</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF STATE (Haynes, Fred) (Entered: 04/06/2018)

04/09/2018		MINUTE ORDER: Granting <u>6</u> Consent Motion for Extension of Time to File Answer. Defendants shall answer or otherwise respond to the complaint by April 16, 2018. Signed by Judge Tanya S. Chutkan on 4/9/18. (DJS) (Entered: 04/09/2018)
04/10/2018		Set/Reset Deadlines: Answer due by 4/16/2018. (tb) (Entered: 04/10/2018)
04/16/2018	<u>7</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF STATE (Haynes, Fred) (Entered: 04/16/2018)
04/20/2018		MINUTE ORDER: Granting <u>7</u> Consent Motion for Extension of Time to Answer. Defendants shall answer or otherwise respond to the complaint by April 20, 2018. Signed by Judge Tanya S. Chutkan on 4/20/18. (DJS) (Entered: 04/20/2018)
04/20/2018	<u>8</u>	ANSWER to Complaint by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF STATE.(Haynes, Fred) (Entered: 04/20/2018)
04/23/2018	<u>9</u>	NOTICE of Appearance by Josephine T. Morse on behalf of DEMOCRACY FORWARD FOUNDATION (Morse, Josephine) (Entered: 04/23/2018)
04/24/2018		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues and that contains a proposed schedule and proposed order no later than 5/24/18. Signed by Judge Tanya S. Chutkan on 4/24/18. (DJS) (Entered: 04/24/2018)
04/25/2018		Set/Reset Deadlines: Joint Status Report and proposed order due by 5/24/2018. (tb) (Entered: 04/25/2018)
05/24/2018	<u>10</u>	Joint STATUS REPORT by DEMOCRACY FORWARD FOUNDATION. (Morse, Josephine) (Entered: 05/24/2018)
05/31/2018		MINUTE ORDER: Having considered the parties' Joint Status Report <u>10</u> , it is hereby ordered that the parties shall file another report by July 2, 2018. Signed by Judge Tanya S. Chutkan on 5/31/18. (DJS) (Entered: 05/31/2018)
06/01/2018		Set/Reset Deadlines: Joint Status Report due by 7/2/2018. (tb) (Entered: 06/01/2018)
07/02/2018	<u>11</u>	Joint STATUS REPORT and Plaintiff's Request for Status Conference by DEMOCRACY FORWARD FOUNDATION. (Morse, Josephine) (Entered: 07/02/2018)
07/02/2018	<u>12</u>	MOTION for Hearing by DEMOCRACY FORWARD FOUNDATION (See docket entry <u>11</u> to view document)(zrdj) (Entered: 07/06/2018)
07/06/2018		MINUTE ORDER: Granting <u>12</u> Motion for Hearing. A Status Conference is hereby set July 26, 2018 at 11:00 am in Courtroom 9. Signed by Judge Tanya S. Chutkan on 7/6/18. (DJS) (Entered: 07/06/2018)
07/06/2018		Set/Reset Hearings: A Status Conference is set 7/26/2018 at 11:00 AM in Courtroom 9 before Judge Tanya S. Chutkan. (jth) (Entered: 07/06/2018)
07/26/2018		Minute Entry: Status Conference held on 7/26/2018 before Judge Tanya S. Chutkan: Parties are to meet and confer before the next status hearing. Status Report due by 9/26/2018. Status Conference set for 10/5/2018 at 11:00 AM in Courtroom 9 before Judge Tanya S. Chutkan. (Court Reporter Bryan Wayne) (tb) (Entered: 07/27/2018)
09/26/2018	<u>13</u>	Joint STATUS REPORT by DEMOCRACY FORWARD FOUNDATION. (Morse, Josephine) (Entered: 09/26/2018)

10/05/2018		Minute Entry for proceedings held before Judge Tanya S. Chutkan: Status Conference held on 10/5/2018. For the reasons stated on the record, the Government is ORDERED to bring in a representation from the United States Department of State, as well as from United States Citizenship and Immigration Services at the next Status Conference. A Joint Status Report is due by 11/5/2018. Further Status Conference is set for 11/14/2018 at 11:00 AM in Courtroom 9 before Judge Tanya S. Chutkan. (Court Reporter Lisa Moreira) (nbn) (Entered: 10/05/2018)
11/05/2018	<u>14</u>	Joint STATUS REPORT by DEMOCRACY FORWARD FOUNDATION. (Morse, Josephine) (Entered: 11/05/2018)
11/14/2018		Minute Entry: Status Conference held on 11/14/2018 before Judge Tanya S. Chutkan: Status Report and Proposed Briefing Schedule due by 1/2/2019. (Court Reporter Lisa Edwards) (tb) (Entered: 11/14/2018)
11/16/2018	<u>15</u>	MOTION for Extension of Time to <i>Conduct the Telehome Conference Call Between Plaintiff's Counsel and the Department of Homeland Security FOIA Officials</i> by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF STATE (Haynes, Fred) (Entered: 11/16/2018)
11/19/2018		MINUTE ORDER: Defendants' November 16, 2018 motion <u>15</u> for an extension of time to conduct the telephone conference call between Plaintiff's counsel and the Department of Homeland Security FOIA officials is GRANTED. The call shall take place by November 21, 2018. Signed by Judge Tanya S. Chutkan on 11/19/2018. (lctsc1) (Entered: 11/19/2018)
12/07/2018	<u>16</u>	MOTION for Hearing for <i>Immediate Status Conference</i> by DEMOCRACY FORWARD FOUNDATION (Attachments: # <u>1</u> Text of Proposed Order)(Morse, Josephine) Modified event on 12/10/2018 (ztd). (Entered: 12/07/2018)
12/08/2018	<u>17</u>	CERTIFICATE OF SERVICE by DEMOCRACY FORWARD FOUNDATION re <u>16</u> MOTION for Order for <i>Immediate Status Conference</i> . (Morse, Josephine) (Entered: 12/08/2018)
12/10/2018		MINUTE ORDER: Plaintiff's December 7, 2018 motion <u>16</u> for a status conference is GRANTED. A status conference is set for December 19, 2018 at 2:30 p.m. The Government is ORDERED to bring in a Department of Homeland Security representative who is prepared to discuss the status of Plaintiff's request, the number of documents pending processing, and anticipated production dates. Signed by Judge Tanya S. Chutkan on 12/10/2018. (lctsc1) (Entered: 12/10/2018)
12/12/2018		Set/Reset Hearings: Status Conference set for 12/19/2018 at 02:30 PM in Courtroom 9 before Judge Tanya S. Chutkan. (tb) (Entered: 12/12/2018)
12/12/2018	<u>18</u>	<p>TRANSCRIPT OF 7/26/18 STATUS HEARING before Judge Tanya S. Chutkan held on July 26, 2018. Page Numbers: 1–9. Date of Issuance: 12/12/18. Court Reporter: Bryan A. Wayne. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (PDF, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 1/2/2019. Redacted Transcript Deadline set for 1/12/2019. Release of Transcript Restriction set for 3/12/2019.(Wayne, Bryan) (Entered: 12/12/2018)</p>
12/18/2018	<u>19</u>	NOTICE of Supplemental Information by DEMOCRACY FORWARD FOUNDATION (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Morse, Josephine) (Entered: 12/18/2018)

12/19/2018	<u>20</u>	NOTICE of Appearance by Adam Anderson Grogg on behalf of DEMOCRACY FORWARD FOUNDATION (Grogg, Adam) (Entered: 12/19/2018)
12/19/2018		Minute Entry: Status Conference held on 12/19/2018 before Judge Tanya S. Chutkan: The attorneys will meet and confer by 1/9/2019. Status Report due date extended to 1/28/2019. (Court Reporter Bryan Wayne) (tb) (Entered: 12/20/2018)
12/23/2018	<u>21</u>	TRANSCRIPT OF 12/19/18 STATUS HEARING before Judge Tanya S. Chutkan, held on December 19, 2018. Page Numbers: 1–21. Date of Issuance: 12/23/18. Court Reporter: Bryan A. Wayne. Transcripts may be ordered by submitting the Transcript Order Form at www.dcd.uscourts.gov. For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (PDF, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov. Redaction Request due 1/13/2019. Redacted Transcript Deadline set for 1/23/2019. Release of Transcript Restriction set for 3/23/2019.(Wayne, Bryan) (Entered: 12/23/2018)
01/09/2019	<u>22</u>	MOTION to Stay by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF STATE (Attachments: # <u>1</u> Text of Proposed Order)(Coles–Huff, Doris) (Entered: 01/09/2019)
01/16/2019		MINUTE ORDER granting <u>22</u> Motion to Stay. All deadlines are hereby STAYED pending further order of the Court. Defendants' counsel shall notify the Court promptly after Congress has appropriated funds for the Justice Department. Once the stay is lifted, within one week thereafter Plaintiff and representatives of Defendant Department of Homeland Security (DHS) will confer about DHS's response to Plaintiff's FOIA request; and (2) within four weeks of the lifting of the stay the parties will file a joint status report. The joint status report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 1/16/19. (DJS) (Entered: 01/16/2019)
02/22/2019	<u>23</u>	Joint STATUS REPORT by DEMOCRACY FORWARD FOUNDATION. (Morse, Josephine) (Entered: 02/22/2019)